

**RUTHERFORD COUNTY,
TENNESSEE
BOARD OF
COMMISSIONERS
LEGISLATIVE MINUTES**

**THURSDAY,
December 11, 2014**

RUTHERFORD COUNTY BOARD OF COMMISSIONERSAG A

DECEMBER 11, 2014 6:00 P.M.

RUTHERFORD COUNTY COURTHOUSE, COURTROOM

- A. Commission called to order by Chairman
- B. Prayer
- C. Pledge to Flag
- D. Roll Call
- E. Reading and Approval of the Minutes
- F. Resolution of Recognition for Rutherford County Sheriff's Office Employees and Rutherford Fire and Rescue Department Firefighters
- G. Public Comments
- H. **ELECTIONS & CONFIRMATIONS**
 - 1. Elect Notaries
 - 2. Fill Alternate Vacancy on Beer Board
 - 3. Fill Vacancies on Agricultural Advisory Board
 - 4. Fill Coroner Vacancy
 - 5. Fill Two Vacancies on Correctional Work Center Board
 - 6. Fill Vacancy on Conservation Board to Fill Unexpired Term of David Mitchell (Term to Expire February 2017)
- I. **PUBLIC HEARINGS – 6:30 P.M.**
 - 1. Various amendments to Section 1405 and 1406 of the Zoning Ordinance pertaining to Rules and Procedures for the Board of Zoning Appeals and Administrative Appeals (14-5004), Planning Staff applicant.
- J. **UNFINISHED BUSINESS**
- K. **REPORTS BY STANDING COMMITTEES**
 - 1. **PURCHASING COMMITTEE**
 - A. No Report
 - 2. **BUDGET, FINANCE & INVESTMENT COMMITTEE**
 - A. Special Purpose Fund Budget Amendment
 - B. Resolution Approving Funding Contract with the Tennessee Dept. of Health
 - C. Resolution Approving Employee Services Agreements with the Tennessee Dept. Of Health
 - D. Resolution Approving Financial Assurance in Lieu of Bond Document for Landfill
 - E. Resolution Approving the 2015-2016 Budget Calendar and Schedule
 - 3. **HEALTH & EDUCATION COMMITTEE**
 - A. No Report
 - 4. **PROPERTY MANAGEMENT COMMITTEE**
 - A. Resolution to Authorize the Sale of 1.3 Acres on Coleman Hill Road for \$500 to Willie Clark
 - 5. **PUBLIC SAFETY COMMITTEE**
 - A. No Report
 - 6. **PUBLIC WORKS & PLANNING COMMITTEE**
 - A. Resolution to Approve the Road Book
 - B. Resolution to Approve the Proposal with the Tennessee Department of Transportation for Traffic Signal and Turn Lanes at Intersection of US-41 and Dilton-Mankin Road
 - 7. **STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE**
 - A. No Report
- L. **ANY OTHER BUSINESS**

In accordance with ADA (Americans with Disabilities Act), any disabled persons requiring accommodations for participation in the meeting should contact the County Mayor's Office at 898-7745 at least two working days prior to the meeting in order that appropriate accommodations can be made.

**LEGISLATIVE DIGEST
OF THE
RUTHERFORD COUNTY
BOARD OF COMMISSIONERS**

Thursday, December 11, 2014

- A. Mr. Chairman, Ernest Burgess, called the regular session of the Rutherford County Board of Commissioners to order at 6:00 p. m. Thursday, December 11, 2014, in the Courtroom of the Rutherford County Courthouse in Murfreesboro, Tennessee.
- B. Commissioner Brad Turner led the invocation.
- C. Commissioner Carol Cook led the pledge to our flag.
- D. Twenty-One (21) Commissioners of the Rutherford County Board of Commissioners were present for the opening of the Legislative Meeting.
- E. The November 13, 2014, Legislative Meeting Minutes were adopted.
- F. Members of the Rutherford County Sheriff's Department and County Fire and Rescue were presented a Resolution of Recognition for their combined efforts to rescue a family in distress trapped in flood waters.
- G. PUBLIC COMMENTS
Michelle Palmer of Read to Succeed announced the 'One Book Community Reading Challenge.' The program, in conjunction with Linebaugh Library and local media, are asking interested citizens to read a book, the same book. The selection is The Rosie Project, written by Graeme Simsion. Commissioner Robert Stevens volunteered to read the selected book and "pass it along." Read to Succeed has partnered this year with the non-profit group, Autism Speaks.

H. ELECTIONS & CONFIRMATIONS

- 1. The Notary applicants were approved.
- 2. The recommendation of Michael Anderson as Alternate Board member to the Beer Board was approved.
- 3. These Agricultural Advisory Board recommendations were approved: Commissioner Joe Frank Jernigan; Anthony David Scales, Farmer position; and Delia Bigger Goodman, Farm Woman position.
- 4. Mike Nunley was confirmed as Coroner.
- 5. The recommendation of Virgil Gammon and Tim Rudd to fill vacancies on the Correctional Work Center Board was approved.
- 6. The recommendation of John Marshall to fill the vacancy on the Conservation Board was approved. The term will expire in February 2017.

ANNOUNCEMENT The Steering Committee will meet with the Rutherford County Legislative Delegation at the Courthouse on January 5th at 5:30 p.m.

I. PUBLIC HEARINGS – 6:30 P.M.

- 1. Zoning Staff submitted a request to amend the Zoning Ordinance. As pertains to 'Administrative Appeals of Zoning Rules and Procedures,' changes to Section 1405 -1406 were approved.

J. UNFINISHED BUSINESS

- A. None Reported

K. REPORTS BY STANDING COMMITTEES**1. PURCHASING COMMITTEE REPORT**

- A. No Report.

2. BUDGET, FINANCE & INVESTMENT COMMITTEE

- A. A resolution to authorize a Special Purpose Fund Budget Amendment was approved.
- B. A Funding Agreement with the Tennessee Department of Health for the support of the Rutherford County Health Department was approved.
- C. The Employee Services Agreement with the Department of Health was approved.
- D. The 'Financial Assurance In Lieu of Bond' for the County Landfill was approved.
- E. The 2015-16 Budget Calendar and Schedule was presented and approved.

3. HEALTH & EDUCATION COMMITTEE

- A. No Report

4. PROPERTY MANAGEMENT COMMITTEE

- A. A Resolution for the sale of county owned property on Coleman Hill Road was approved.

5. PUBLIC SAFETY COMMITTEE

- A. No Report

6. PUBLIC WORKS & PLANNING COMMITTEE

- A. The County Road Book was presented and approved.
- B. A proposal from TDOT for the installation of a traffic signal at Dilton-Mankin Road was approved.

7. STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

- A. No Report

K. ANY OTHER BUSINESS

Commissioner Robert Stevens discussed the information system problems in the Offices of the Circuit Court Clerk. He reminded Commissioners they had previously approved funding for \$750,000.00 to upgrade the Clerk's computer system. Commissioner Stevens is concerned the county's legislative body needs more input, information, and details about the matter. He believes an Ad Hoc committee, or the Steering Committee, needs to get all the involved parties together to answer questions related to the problem at hand.

In response to Commissioner Stevens, Mayor Ernest Burgess advised the County Attorney and others are watching the matter closely. Mayor Burgess said the problems are extraordinarily complex and they are working to get answers. He foresees probable answers in the next thirty (30) days. The Mayor advised there have been no cancellations of agreements with involved vendors and asked that public statements be limited until such time as there are more clear answers.

Commissioner David Nipper concurs with Commissioner Stevens and echoes Stevens' sentiment.

Commissioner Robert Peay reminded the body Mayor Burgess had met with the Budget & Finance Committee to open the discussion about the Circuit Court Clerk's information system crisis.

Commissioner Shawn Kaplan would like the Circuit Court Clerk to present a report on the information systems problem at the next Budget Committee meeting.

Commissioner Doug Shafer asked Commission members, while discussing the information system issue, to not confuse the County Clerk with the Circuit Clerk's office. He also referenced the previous Court Clerk had ushered in the problematic new system, that the current Clerk inherited the system.

Commissioner Shafer also announced the La Vergne Rescue Squad will hold a Pancake Breakfast this Saturday, December 13, from 7 until 10 a.m. According to Commissioner Shafer, Santa Claus has promised to eat pancakes with the good boys and girls.

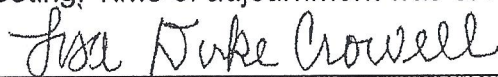
Commissioner Shafer also announced La Vergne Middle School helped feed 500 people from the Lake Forrest area of La Vergne. He thanked students, faculty, administration, and family members for looking out for the needy among us.

Commissioner Rhonda Allen announced the Smyrna Depot Christmas Celebration is the weekend of December 13. She encourages all to support the downtown merchants of Smyrna.

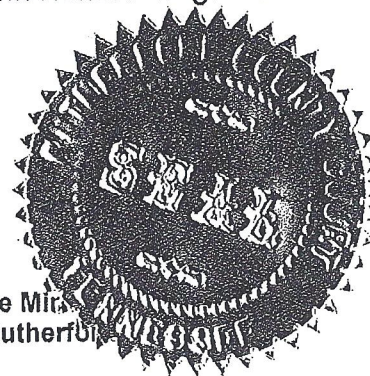
Commissioner Pettus Read announced the 'Diamond of the Western Horizon,' Eagleville, Tennessee, will hold a Christmas Parade at 11 a.m. Saturday, December 13, in downtown Eagleville. The Grand Marshall is Bill Tollett, the Principal of Eagleville High School.

Mayor Burgess wished all Happy Holidays and a Happy New Year.

There being no further business, Mr. Chairman, Ernest Burgess, adjourned the Rutherford County Board of Commissioners Legislative Meeting, Time of adjournment was 6:46 p.m.


Lisa Duke Crowell, Rutherford County Clerk


Rick Spence, Legislative Secretary



**** This document is a public record. Complete Legislative Minutes documentation is available for review at the Office of the Rutherford County Clerk.

ITEM A. MEETING CALLED TO ORDER

Mr. Chairman, Ernest Burgess, called the regular session of the Rutherford County Board of Commissioners to order on Thursday, December 11, 2014, at 6:00 p.m. in the Legislative Courtroom of the Rutherford County Courthouse in Murfreesboro, Tennessee.

ITEM B. PRAYER

Commission Chaplain Brad Turner led the invocation.

ITEM C. PLEDGE

Commissioner Carol Cook led the pledge to our flag.

ITEM D. ROLL CALL

Lisa Duke Crowell, County Clerk, called the Roll and upon Roll Call the following Commissioners were:

ROLL CALL

Doug Shafer – present
Steve Percy – present
Will Jordan – present
Robert Peay – present
Carol Cook – present
Joe Frank Jernigan – present
Mike Kusch – present
Pettus Read – present
Joe Gourley – present
Brad Turner – present
Chantho Sourinho – present

Rhonda Allen – present
Robert Stevens – present
Paul Johnson – present
Charlie Baum – present
David Nipper – present
Phil Dodd – present
Jeff Phillips – present
Allen McAdoo – present
Shawn Kaplan – present
Trey Gooch – present

A quorum present, Mayor Burgess called for the first item on the Agenda.

ITEM E.
APPROVAL OF COMMISSION MINUTES

MOTION

Commissioner Jeff Phillips moved, second by Commissioner Joe Frank Jernigan, to dispense with the reading of the minutes of November 13, 2014, and approve the minutes as presented.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM F. RESOLUTION OF RECOGNITION

RESOLUTION OF RECOGNITION

FOR RUTHERFORD COUNTY SHERIFF'S OFFICERS AND RUTHERFORD FIRE & RESCUE FIREFIGHTERS

WHEREAS, Rutherford County is fortunate to have dedicated and committed Rutherford County Sheriff's Office deputies and full-time Rutherford County Fire & Rescue Department firefighters who risk their lives to save citizens; and

WHEREAS, on Saturday night, December 6, 2014, the Sheriff's Office along with Fire & Rescue Department were called to a mother and her three daughters whose car was becoming submerged into the Stones River at Elam Mill Road; and

WHEREAS, the deputies and firefighters realized they must act quickly, attached a protective rope and plunged into the icy water with a swift current, risking their own lives; and

WHEREAS, firefighters Austin Garner, Chad Alexander and Nick Brewer and Sheriff's Cpls. Nigel Kapadia and Josh Anderson and Deputies Mike Farmer, Moses Mosby, Scott Daniel, Ramy Ibrahim, School Resource Officer James Coots and Lt. Nathan Pagel braced the rope and assisted the deputies and firefighters, and safely guided their co-workers into the water; and

WHEREAS, Sheriff's Lt. Chris Haynes, Engineer Ryan Connelly and firefighter Daniel Alexander and Sheriff's Sgt. Brian Wright, rescued the daughters and mother from the car.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners that we extend this Resolution of Recognition to these officers and firefighters for their teamwork and bravery for risking their own lives to save this family.

RESOLVED this 11th day of December, 2014.

Ernest H. Burgess	Doug Shafer
Wm. J. [unclear]	Jeff Phillips
Robert Peay	Michael [unclear]
Carol Cook	Brad [unclear]
Joe Frank Jennings	Brandon P. [unclear]
Patricia L. Keane	Robert [unclear]
Joe A. Dourley	David [unclear]
Ernie [unclear]	David [unclear]
W. C. [unclear]	Jeffrey W. Phillips
Philip [unclear]	David Nipper
Charles L. Baum II	Bruce Johnson

MOTION

Commissioner Doug Shafer motioned, second by Commissioners Jeff Phillips, Robert Peay, and others, to approve the Resolution of Recognition as presented.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.

ITEM G. PUBLIC COMMENTS

VISITORS THAT REQUEST TO SPEAK AT COUNTY COMMISSION MEETING ON

12-11-14

DATE	NAME & PHONE NUMBER	TOPIC
11-20-14	Michelle Palmer	Read to Succeed

Michelle Palmer of Read to Succeed announced the 'One Book Community Reading Challenge.' The program, in conjunction with Linebaugh Library and local media, are asking interested citizens to read a book, the same book. The selection is The Rosie Project, written by Graeme Simsion. Commissioner Robert Stevens volunteered to read the selected book and "pass it along." Read to Succeed has partnered this year with the non-profit group, Autism Speaks.

ITEM H. ELECTIONS & CONFIRMATIONS

ITEM H.1. NOTARY PUBLIC-AT-LARGE

RUTHERFORD COUNTY CLERK
LISA CROWELL COUNTY CLERK
319 N. MAPLE STREET
MURFREESBORO TN 37130
Telephone 615-898-7800
Fax 615-217-6597

Notaries to be elected December 11, 2014

SALLIE ALLEN	JOHN G MITCHELL JR
DESTINY M ARNOLD	MARK S. MOORE
ALISON BILBO	JARDYN L. MORGAN
PHYLLIS E BRYANT	JOYCE H MYERS
HAYLEY M. CLAGG	BRITTANY E. PATRICK
TIANA F. CONWELL	ZACHARY DAVID PEARCE
AMANDA L. COTHRON	MELISSA PEARSON
SARAH DAVENPORT	ANGELA A. PRICE
JON ERIC DOLIANA SR	NANCY JANISSEE RELEFORD
ELIZABETH A. DUPREZ	PAULA P RICHARDSON
JAMES TALLEY FLOYD JR.	RACHEL RICHARDSON
WILFORD W FORD	ROSE RIDDLE
SUSAN A FULTZ	JULIA ANN SAMUELSON
SHERRY H. GOODWIN	MICHELLE D SANDERS
HEATHER GRADER	LANA D. SANDLIN
RAVEEN GRIMES	ROSA I. SENIOR
MELANIE HARPER	BRITTANY SMITH
DEBORAH SIDES HARRIS	ANGELA SMITH
ANDREA H. HIGGINBOTHAM	TAMARA K. TEAGUE
RACHEL A. HITT	SANDRA TIPPIT
SARAH J HOOBERRY	JESSICA L. TOLLEY
LAURITA V HOSKIN	DEBORAH W. TOOLE
MARIE HUMES	BRAD TRICE
F. KAYE JERNIGAN	KAREN H VAUGHAN
MIRACLE ME'CHAEAL JONES	TERRI WACASTER
HEATHER JONES	SABRINA G WATERS
SAVANNA M KENNEDY	PAULA WEBB
CYNTHIA KERSTEN	LIBBY WEBSTER
JASON N. KING	SHAUN B WEEKS
HEATHER R. KNOTT	LUMETHRA WHITE
MICHAEL LANDIS	CAROL R. WHITE
MARIE LEONE	STACY WILDER
MELISSA MCINTYRE	CAITLIN WOLF
JOHN G. MITCHELL III	

MOTION

Commissioner Brad Turner motioned, second by Commissioner Allen McAdoo, to approve the Notary Applicants as presented.

MOTION APPROVED BY VOICE VOTE.

ITEM H.2.**VACANCY – ALTERNATE MEMBER - BEER BOARD**

Commissioner Brad Turner announced the Steering Committee recommends Michael Anderson as Alternate Member of the Beer Board.

MOTION

Commissioner Brad Turner motioned, second by Commissioner Paul Johnson, to approve the recommendation of Michael Anderson as Alternate member of the Beer Board.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.**ITEM H.3.****FILL VACANCIES -****AGRICULTURAL ADVISORY BOARD**

Commissioner Brad Turner announced the recommendation of Commissioner Joe Frank Jernigan in the Commissioner position, Delia Bigger Goodman in the Farm Woman position, and Anthony David Scales in the Farmer position of the Agricultural Advisory Board.

MOTION

Commissioner Brad Turner motioned, second by Commissioner Will Jordan, to approve the recommendations to the Agricultural Advisory Board.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.**ITEM H.4.****FILL VACANCY - CORONER**

Commissioner Brad Turner announced the Steering Committee recommends Mike Nunley to fill the Coroner vacancy.

MOTION

Commissioner Brad Turner motioned, second by Commissioner Robert Peay, to approve the recommendation of Mike Nunley as Coroner.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.

ITEM H.5.
FILL VACANCIES – CORRECTIONAL WORK CENTER BOARD

Commissioner Brad Turner announced the Steering Committee recommends Virgil Gammon and Tim Rudd to fill the vacancies on the Correctional Work Center Board.

MOTION

Commissioner Brad Turner motioned, second by Commissioner David Nipper, to approve the recommendations of Virgil Gammon and Tim Rudd to the Correctional Work Center Board.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.

ITEM H.6.
FILL VACANCY – CONSERVATION BOARD

Commissioner Brad Turner announced the Steering Committee recommends John Marshall to fill the vacancy on the Conservation Board. This position will fill the unexpired term of David Mitchell (term to expire February 2017).

MOTION

Commissioner Brad Turner motioned, second by Commissioner Pettus Read, to approve the recommendation of John Marshall to the Conservation Board.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.

ITEM I. PUBLIC HEARINGS

ITEM I.1. ZONING ORDINANCE AMENDMENTS

**A RESOLUTION TO AMEND THE RUTHERFORD COUNTY ZONING ORDINANCE ADOPTED
NOVEMBER 15, 2012 (EFFECTIVE JANUARY 1, 2013),
TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE**

WHEREAS, the Rutherford County Regional Planning Commission in regular session November 10, 2014 completed a detailed analysis of various amendments to the Rutherford County Zoning Ordinance, as referenced by file 14-5004; and

WHEREAS, due notice was published and a hearing held in accordance with Tennessee Code Annotated 13-7-105 and Section 1409 of the Rutherford County Zoning Ordinance; and

WHEREAS, it had been determined that the proposed amendments will not adversely affect the health, safety, or general welfare of the citizens of Rutherford County and the surrounding community; and

WHEREAS, the Rutherford County Regional Planning Commission recommends that the proposed amendments be approved by the Rutherford County Board of Commissioners by a vote of 10 for, 0 against;

NOW THEREFORE BE IT RESOLVED BY THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS THAT THE FOLLOWING AMENDMENTS BE APPROVED:

Delete Existing Text of Section 1405 B and replace with the following text:

B. Membership, Vacancies and Removal

Members of the Board of Zoning Appeals must be citizens of Rutherford County. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant by appointment of the Board of Commissioners, consistent with Tennessee Code Annotated (TCA) 13-7-106. A member may be removed from such Board for continued absences or just cause by action of Board of Commissioners after proper hearing consistent with TCA 13-7-106.

Delete Existing Text of Section 1405 G. and replace with the following text:

G. Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman may participate in all discussions and shall vote as a member of the board. The chairman, or in his/her absence the vice-chairman, may administer oaths and compel the attendance of witnesses. In the absence of the

chairman and vice-chairman, and a quorum is present for a regular or special meeting, then a chairman pro-tem for such meeting shall be elected from those present by those members present. All meetings shall be open to the public and proper public notice of such meetings shall be given.

Renumber Existing 1405 H.5. as 1405 H.6. and renumber subsequent sections sequentially. Add the following text to replace 1405 H.5.:

5. All matters voted on by the board shall be put in the form of a motion by one of the board members and seconded by another board member. A motion may be amended in accordance with Robert's Rules of Order. The chairman shall conduct the voting by asking for a either a roll call vote or voice vote, as deemed appropriate by the chairman.

Add the following subsections to Section 1405 H.:

12. When a parliamentary matter arises that is not covered by these by-laws, Robert's Rules of Order shall apply.
13. Deferral of the Public Hearing before the Board of Zoning Appeals. It is the policy of Board of Zoning Appeals that any requests to defer their consideration of an appeal/special exception/variance application be submitted to the Planning Director in writing prior to the scheduled public hearing. If a deferral request is granted, then notices of such deferral (if time permits) and of the next public hearing date will be mailed to those who received the original notice of the Public Hearing. Applicants requesting a deferral will be charged the cost of preparing and mailing new notices of public hearing. Applicant-initiated deferrals may not defer an application for a period exceeding three (3) months from the original Board of Zoning Appeals public hearing date of said application. Any application not considered before the three (3) month deferral timeframe will be required to submit a new application, along with any required fees, and will be subject to the regulations in effect at that time."

Delete Existing Text of Section 1406 C. and replace with the following text:

C. Final Decision

The final disposition of any appeal to the Board of Zoning Appeals shall be in the form of an Order of Action, which shall affirm, modify or reverse the decision of the Director of Building Codes or other administrative official responsible for carrying out or enforcement of any provision of this ordinance.

N:\Planning Commission\BOCReports\Resolutions_CUPs\BOC Resolutions\2014\14-5004.docx

Date: December 11, 2014

Lisa D. Crowell, County Clerk



Ernest Burgess, County Mayor

PUBLIC HEARING

Mr. Chairman, Ernest Burgess, recessed the Rutherford County Board of Commissioners Legislative Meeting to hold a Public Hearing on the amendments to the Zoning Ordinance.

Mr. Burgess requested that anyone desiring to speak on the issue to please come forward to the microphone, state their name, address, and whether they were for or against the proposed amendments.

No person spoke for or against the amendments.

Mayor Burgess closed the Public Hearing and called the Rutherford County Board of Commissioners' Legislative meeting back into session.

Doug Demosi, Planning Director, in outlining the details of the rezoning request, advised the Planning Commission voted to approve the amendments to the Zoning Ordinance.

MOTION

Commissioner Mike Kusch motioned, second by Commissioner Jeff Phillips, to approve the amendments to the Zoning Ordinance.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

**ITEM J.
UNFINISHED BUSINESS**

None Reported.

**ITEM K.
REPORTS BY STANDING COMMITTEES**

**ITEM K.1.
PURCHASING COMMITTEE**

**ITEM K.1.A.
MONTHLY REPORT - PURCHASING COMMITTEE**

No Report.

ITEM K.2. BUDGET, FINANCE & INVESTMENT COMMITTEE

ITEM K.2.A. RESOLUTION – SPECIAL PURPOSE FUND BUDGET AMENDMENT

Item K. 2. A.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the SPECIAL PURPOSE FUND be amended as follows:

Sheriff's Department:

Increase Revenue:	121-47700	Asset Forfeit. Funds	\$17,574
Increase Expend.:	121-54110-429	Instruct. Supp. & Mat.	\$3,506
	121-54110-716	Law Enforce. Equip.	\$10,563
	121-54110-790	Other Equipment	\$3,505

RESOLVED this 11th day of December, 2014.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Doug Shafer, to approve the Special Purpose Fund Budget Amendment.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

ROLL CALL

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – AYE
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM K.2.B.
RESOLUTION – FUNDING CONTRACT – TENNESSEE
DEPARTMENT OF HEALTH

Item K. 2. B.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and any other appropriate officials of Rutherford County, Tennessee be, and are hereby authorized, to execute an Agreement with the Tennessee Department of Health, a copy of the same being attached hereto as "Exhibit 1" and incorporated herein by reference as if set forth herein at length verbatim, for the provision of health services toward the support of the Rutherford County Health Department in the amount of Seven Hundred Six Thousand Fifty Six Dollars (\$706,056.00) with Five Hundred Seventy Seven Thousand Six Hundred Eighty One Dollars (\$577,681.00) being direct local funds for which Rutherford County shall not be billed and One Hundred Twenty Eight Thousand Three Hundred Seventy Five Dollars (\$128,375.00) in appropriations for which Rutherford County shall be billed for the period of July 1, 2014 through June 30, 2015.

RESOLVED this 11th day of December, 2014.

RUTHERFORD COUNTY, TN

BY: 
 ERNEST G. BURGESS, Chairman

ATTEST:


 LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Chantho Sourinho, to approve the Funding Contract with the Tennessee Department of Health.

**UPON ROLL CALL, THE FOLLOWING COMMISSIONERS
VOTED:**

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM K.2.C. RESOLUTION – EMPLOYEE SERVICES AGREEMENTS WITH THE DEPARTMENT OF HEALTH

Item K. 2. C.

RESOLUTION

WHEREAS, Rutherford County previously entered into an agreement with the Tennessee Department of Health for the provision of employee services for the Health Department Director on May 15, 2014; and

WHEREAS, the Tennessee Department of Health has recalculated the annual amount from the previous agreement and desires to amend the agreement for the Health Department Director to Nine Thousand One Hundred Seventy Six Dollars (\$9,176.00) for the period of November 1, 2014 through June 30, 2015; and

WHEREAS, Rutherford County desires to enter into an agreement with the Tennessee Department of Health for the provision of employee services for the Health Department Physician in the annual amount of Nine Thousand Thirty Two Dollars (\$9,032.00) for the period of November 1, 2014 through June 30, 2015.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and all other appropriate officials of Rutherford County be, and are hereby authorized, to execute an Agreements with the State of Tennessee, Department of Health in the annual amounts of Nine Thousand One Hundred Seventy Six Dollars (\$9,176.00) for the Director and Nine Thousand Thirty Two Dollars (\$9,032.00) for the Physician for the provision of employee services for the period of November 1, 2014 through June 30, 2015, a copy of the same being attached hereto as "Exhibit 1" and "Exhibit 2" and incorporated herein by reference as if set forth herein at length verbatim.

RESOLVED this 11th day of December, 2014.

RUTHERFORD COUNTY, TN

BY: Ernest G. Burgess
ERNEST G. BURGESS, Chairman

ATTEST:

Lisa Crowell
LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner David Nipper, to approve the Employee Services Agreements with the Department of Health.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM K.2.D.
RESOLUTION – APPROVE FINANCIAL ASSURANCE
IN LIEU OF BOND DOCUMENT FOR LANDFILL

Item K. 2. D.

RUTHERFORD COUNTY, TENNESSEE
AMENDMENT OF CONTRACT IN LIEU OF PERFORMANCE BOND

WHEREAS, Rutherford County and the State of Tennessee Department of Environment and Conservation entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Rutherford County Sanitary Landfill, Permit Number SNL 75-0103; and

WHEREAS, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to Three Million Ninety Six Thousand Nine Hundred Fifty One Dollars (\$3,096,951.00) from any funds being disbursed or to be disbursed from the State to the County of Rutherford as financial assurance for said proper operation, closure and post-closure; and

WHEREAS, the State and the County of Rutherford desire to change the amount of said financial assurance from Three Million Ninety Six Thousand Nine Hundred Fifty One Dollars (\$3,096,951.00) to Two Million Nine Hundred Forty Eight Thousand Three Hundred Ninety Four Dollars (\$2,948,394.00).

Paragraph Three (3) of the Agreement in Lieu of Performance Bond is amended as follows:

The figure “\$3,096,951.00” is deleted and the figure “\$2,948,394.00” is substituted in lieu thereof.

RESOLVED, this 11th day of December, 2014.

RUTHERFORD COUNTY, TN

BY: 
 ERNEST G. BURGESS, COUNTY MAYOR

ATTEST: 
 LISA CROWELL, County Clerk

 Commissioner
 Department of Environment and Conservation

 Commissioner
 Department of Finance & Administration

MOTION

Commissioner Will Jordan moved, second by Commissioner Steve Percy, to approve the Financial Assurance In Lieu of Bond Document for Landfill.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM K.2.E. RESOLUTION – APPROVE THE 2015-16 BUDGET CALENDAR AND SCHEDULE

Exhibit 1
RUTHERFORD COUNTY, TENNESSEE
Budget Calendar
For Fiscal Year 2015-2016

Monday, January 12, 2015	Distribution of Budget Forms.
Monday, January 12, 2015 to Monday, March 09, 2015	Departments prepare estimates, keeping close communications with the Finance Department.
Monday, March 09, 2015	All departments and agencies with appropriations from the County General Fund, Solid Waste/Sanitation Fund, Ambulance Service Fund, Industrial Economic Development Fund, Special Purpose Fund, and Drug Control Fund will submit their requests to the Finance Department for consideration by the County Mayor and Finance Director. (On or before April 15 per Private Act)
BUDGET HEARINGS WITH DEPARTMENT HEADS TO BE SCHEDULED	
DEPARTMENT HEADS SHOULD BE PREPARED TO PRESENT THEIR BUDGETS TO THEIR RESPECTIVE COMMITTEES AT THEIR FEBRUARY MEETINGS. DEPARTMENTS REPORTING TO THE PUBLIC WORKS COMMITTEE SHOULD PRESENT THEIR BUDGETS AT THE MEETING ON MARCH 3, 2015!!!	
Friday, April 10, 2015	The County Highway Commission will on or before this date file with the Finance Department their request for appropriations. (on or before May 1 per Private Act)
Monday, April 27, 2015	The County Board of Education will on or before this date file with the Finance Department their preliminary request for appropriations. (On or before May 15 per Private Act)
Thursday, May 07, 2015	The Director of Finance will on or before this date file a consolidated budget document with the Budget, Finance & Investment Committee. (On or before June 1 per Private Act)
BUDGET COMMITTEE MEETINGS TO BE SCHEDULED BETWEEN MAY 7 AND JUNE 26 TO REVIEW MAJOR DEPARTMENTS OF CONCERN WITHIN THE GENERAL FUND, SOLID WASTE/ SANITATION FUND, AMBULANCE SERVICE FUND, SPECIAL PURPOSE FUND, DRUG CONTROL FUND, HIGHWAY FUND, SCHOOL FUNDS, AND THE DEBT SERVICE FUND.	
Thursday, May 07, 2015	Regular monthly Budget Committee meeting.
Tuesday, May 26, 2015	Joint Meeting with Health & Education Committee to review Board of Education budgets.
Wednesday, May 27, 2015	The Budget, Finance & Investment Committee will review the Board of Education budgets.
Thursday, June 04, 2015	Regular monthly Budget Committee meeting.
Tuesday, June 09, 2015	The Budget, Finance & Investment Committee shall review and propose the annual budget. (On or before June 15 per Private Act)
Monday, June 15, 2015	On or before June 15 the Budget, Finance & Investment Committee shall cause a synopsis of the proposed budget and a statement of the tax rate required to finance the proposed budget to be published in a newspaper having general circulation in the County. (On or before June 15 per Private Act)
Tuesday, June 16, 2015	The Budget, Finance & Investment Committee will hold a public hearing on the proposed budget at the Rutherford County Courthouse at 7:00 P.M. (At least 10 days before beginning of fiscal year)
Friday, June 19, 2015	The Board of Education shall on or before this date adjust the line items required by changes made by the Budget, Finance & Investment Committee. (On or before 7 days prior to July term of County Commission)
Friday, June 26, 2015	The Budget, Finance & Investment Committee will present the proposed budget to the County Legislative Body at 9:00 A.M.

MOTION

Commissioner Will Jordan moved, second by Commissioner Robert Peay, to approve the 2015-16 Budget Calendar and Schedule.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

ROLL CALL

Doug Shafer – aye
 Steve Pearcy – aye
 Will Jordan – aye
 Robert Peay – aye
 Carol Cook – aye
 Joe Frank Jernigan – aye
 Mike Kusch – aye
 Pettus Read – aye
 Joe Gourley – aye
 Brad Turner – aye
 Chantho Sourinho – aye

Rhonda Allen – aye
 Robert Stevens – aye
 Paul Johnson – aye
 Charlie Baum – aye
 David Nipper – aye
 Phil Dodd – aye
 Jeff Phillips – aye
 Allen McAdoo – aye
 Shawn Kaplan – aye
 Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM K.3. HEALTH & EDUCATION COMMITTEE

ITEM K.3.A. NO REPORT

**ITEM K.4.
PROPERTY MANAGEMENT COMMITTEE**

**ITEM K.4.A.
RESOLUTION – AUTHORIZE SALE OF ACREAGE ON
COLEMAN HILL ROAD**

RESOLUTION TO AUTHORIZE AND APPROVE THE SALE OF
1.3 ACRES ON COLEMAN HILL ROAD

WHEREAS, Rutherford County acquired 1.3 acres on Coleman Hill Road through donation; and

WHEREAS, efforts have been undertaken for the disposition of said tract including advertisement for sale and notification to adjacent landowners; and

WHEREAS, if no qualified bid is received the property can be disposed of pursuant to Commission approval; and

WHEREAS, an adjacent neighbor has made an offer of Five Hundred Dollars (\$500.00) for said Coleman Hill Road property.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners said 1.3 acres on Coleman Hill Road be sold for Five Hundred Dollars (\$500.00).

BE IT FURTHER RESOLVED appropriate officials for and on behalf of Rutherford County are hereby authorized to execute required documents for closure of the sale.

RESOLVED this 11th day of December, 2014.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:

Lisa Duke Crowell
LISA DUKE CROWELL, County Clerk

BY:

Ernest G. Burgess
ERNEST G. BURGESS, Chairman

MOTION

Commissioner Allen McAdoo moved, second by Commissioner Mike Kusch, to approve the sale of county owned property on Coleman Hill Road.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

**ITEM K.5.
PUBLIC SAFETY COMMITTEE**

**ITEM K.5.A.
NO REPORT**

**ITEM K.6.
PUBLIC WORKS & PLANNING COMMITTEE**

**ITEM K.6.A.
RESOLUTION – APPROVE ROAD BOOK**

RESOLUTION

WHEREAS, the Tennessee County Uniform Road Laws of 1974 has set out various civil and criminal penalties for the working on private roads by the County Highway Department personnel, and

WHEREAS, the Road Board has approved the list of Rutherford County roads as submitted by the Road Superintendent; and

WHEREAS, the Public Works & Planning Committee has approved the list of Rutherford County roads as submitted by the Road Superintendent; and

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners, that the County Commission approve the list of Rutherford County roads as submitted by the Road Superintendent in accordance with Tennessee Code Annotated 54-10-103 and 54-10-104. These roads shall be the only roads which shall be worked upon by the Rutherford County Highway Department.

RESOLVED this 11th day of December, 2014.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:


LISA DUKE CROWELL, County Clerk

BY: 
ERNEST G. BURGESS, Chairman

MOTION

Commissioner Joe Frank Jernigan moved, second by Commissioner Steve Percy, to approve the "Road Book."

MOTION ADOPTED BY VOICE VOTE.

ITEM K.6.B.**RESOLUTION – APPROVE PROPOSAL WITH TDOT
FOR TRAFFIC SIGNAL AND TURN LANES AT US-41
AND DILTON MANKIN ROAD****RESOLUTION**

WHEREAS, the attached Proposal, Federal Project Number PHSIP-2(238), State Project Number 75004-2211-94 by and between the Department of Transportation of the State of Tennessee, and Rutherford County provides for installation of a traffic signal at SR-2 intersection at Dilton-Mankin Road, a copy of said Proposal being attached hereto as Exhibit "1" and incorporated herein at length verbatim as if set forth herein; and

WHEREAS, it is in the best interest of the citizens of Rutherford County for the County to enter into said Proposal with the State of Tennessee.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners, that the County Mayor, and any other required County officials, be and they are hereby authorized to enter into and execute for and on behalf of Rutherford County, Tennessee the Proposal with the Department of Transportation of the State of Tennessee, Federal Project Number PHSIP-2(238), State Project Number 75004-2211-94, for installation and maintenance of a traffic signal at SR-2 intersection at Dilton-Mankin Road, according to the terms and provisions contained in said Proposal.

RESOLVED this 11th day of December, 2014.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:


LISA DUKE CROWELL, County Clerk

BY: 
ERNEST G. BURGESS, Chairman

MOTION

Commissioner Joe Frank Jernigan moved, second by Commissioner Phil Dodd, to approve the TDOT Proposal for a traffic signal at US 41 at Dilton Mankin Road.

MOTION ADOPTED BY VOICE VOTE.

**ITEM K.7.
STEERING, LEGISLATIVE
& GOVERNMENTAL COMMITTEE**

**ITEM K.7.A.
NO REPORT**

**ITEM L.
OTHER BUSINESS**

Commissioner Robert Stevens discussed the information system problems in the Offices of the Circuit Court Clerk. He reminded Commissioners they had previously approved funding for \$750,000.00 to upgrade the Clerk's computer system.

Commissioner Stevens is concerned the county's legislative body needs more input, information, and details about the matter. He believes an ad hoc committee, or the Steering Committee, needs to get all the involved parties together to answer questions related to the problem at hand.

In response to Commissioner Stevens, Mayor Ernest Burgess advised the County Attorney and others are watching the matter closely. Mayor Burgess said the problems are extraordinarily complex and they are working to get answers. He foresees probable answers in the next thirty (30) days. The Mayor advised there have been no cancellations of agreements with involved vendors and asked that public statements be limited until such time as there are more clear answers.

Commissioner David Nipper concurs with Commissioner Stevens and echoes Stevens' sentiment.

Commissioner Robert Peay reminded the body Mayor Burgess had met with the Budget & Finance Committee to open the discussion about the Circuit Court Clerk's information system crisis.

Commissioner Shawn Kaplan would like the Circuit Court Clerk to present a report on the information systems problem at the next Budget Committee meeting.

Commissioner Doug Shafer asked Commission members, while discussing the information system issue, to not confuse the County Clerk with the Circuit Court Clerk's office. He also referenced the previous Court Clerk had ushered in the problematic new system; the current Clerk inherited the system.

Commissioner Shafer also announced the La Vergne Rescue Squad will hold a Pancake Breakfast this Saturday, December 13, from 7 until 10 a.m. According to Commissioner Shafer, Santa Claus has promised to eat pancakes with the good boys and girls.

Commissioner Shafer also announced La Vergne Middle School helped feed 500 people from the Lake Forrest area of La Vergne. He thanked students, faculty, administration, and family members for looking out for the needy among us.

Commissioner Rhonda Allen announced the Smyrna Depot Christmas Celebration is the weekend of December 13. She encourages all to support the downtown merchants of Smyrna.

Commissioner Pettus Read announced the 'Diamond of the Western Horizon,' Eagleville, Tennessee, will hold a Christmas Parade at 11 a.m. Saturday, December 13, in downtown Eagleville. The Grand Marshall is Bill Tollett, the Principal of Eagleville High School.

Mayor Burgess wished all Happy Holidays and a Happy New Year.

ADJOURNMENT

As there was no further business, Mr. Chairman Ernest G. Burgess adjourned the Rutherford County Board of Commissioners Legislative meeting at 6:47 PM.

ENTER:

Ernest A. Burgess

CHAIRPERSON, ERNEST G. BURGESS

ATTEST:

COUNTY CLERK, LISA COWELL